

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Timothy R. Jennings
Naomi F. Jennings
Debtor(s)

Bankruptcy Case No.: 16-20517-GLT
Issued Per 11/14/2019 Proceeding
Chapter: 13
Docket No.: 70 – 66, 69
Concil. Conf.: February 27, 2020 at 02:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 26, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,324.00 as of November, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 27, 2020 at 02:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

The secured claim(s) of the following creditor(s) shall govern, and then following payment change notices filed of record: Claim No. 6 of Ditech.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: November 14, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Timothy R. Jennings
 Naomi F. Jennings
 Debtors

Case No. 16-20517-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 43

Date Rcvd: Nov 14, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2019.

db/jdb +Timothy R. Jennings, Naomi F. Jennings, 162 North 10th Street,
 Connellsville, PA 15425-2411
 cr +Ditech Financial LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883
 14179112 AHN Emergency Group of Fayette County, P.O. Box 14000, Belfast, ME 04915-4033
 14179114 CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 14179115 +CCSI, P.O. Box 34119, Memphis, TN 38184-0119
 14179117 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas of PA, 200 Civic Center Drive--11th Floor,
 Columbus, OH 43215)
 14179113 +Capital One Auto Finance, 9441 LBJ Freeway--Suite 350, Dallas, TX 75243-4545
 14179116 Citifinancial, Bankruptcy Department, P.O. Box 140069, Irving, TX 75014-0069
 14179120 ++DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: Direct TV, P.O. Box 78626, Phoenix, AZ 85062-8626)
 14179119 +Debt Recovery Solutions, LLC, P.O. Box 9004, Westbury, NY 11590-9004
 14179122 Elizur Corporation, 9800 A McKnight Road, Pittsburgh, PA 15237-6003
 14179123 Escallate, LLC, P.O. Box 630906, Cincinnati, OH 45263-0906
 14179146 Frank A. Yarussi, M.D. & Associates, P.O. Box 308, Presto, PA 15142-0308
 14179124 +Highlands Hospital, 401 East Murphy Avenue, Connellsville, PA 15425-2700
 14179125 +Home Depot, P.O. Box 790328, Saint Louis, MO 63179-0328
 14179126 +IC System, Inc., 444 Highway 96 East, P.O. Box 64378, Saint Paul, MN 55164-0378
 14179127 +Laurel Physiatry, Inc., 159 B Morgantown Street, Uniontown, PA 15401-4250
 14179128 +McCabe, Weisberg & Conway, 123 South Broad Street--Suite 1400, Philadelphia, PA 19109-1060
 14179131 Northland Group, Inc., P.O. Box 129, Thorofare, NJ 08086-0129
 14179132 Orthopedic & Sports PT Associates, Professional Plaza--Suite 107, 625 Lincoln Avenue,
 North Charleroi, PA 15022-2451
 14179133 Peerless Credit Services, Inc., P.O. Box 518, Middletown, PA 17057-0518
 14179134 Penn Credit, 916 South 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
 14179139 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596
 14179140 +Velocity Investments. LLC, 1800 Route 34N, Suite 404A, Wall, NJ 07719-9147
 14179145 +Westmoreland Hospital, 532 West Pittsburgh Street, Greensburg, PA 15601-2282

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Nov 15 2019 04:03:25
 Capital One Auto Finance c/o Ascension Capital Gro, c/o AIS Portfolio Services, LP,
 4515 N. Santa Fe Ave., Dept. APS, Oklahoma City, OK 73118-7901
 14179111 +E-mail/Text: holly.tyika@advanceddisposal.com Nov 15 2019 04:08:04 Advanced Disposal,
 P.O. Box 266, 1184 McClellandtown Road, McClellandtown, PA 15458-1118
 14212399 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Nov 15 2019 04:03:25
 Capital One Auto Finance, c/o AIS Portfolio Services, LP f/k/a AIS,
 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
 14179118 +E-mail/Text: bdsupport@creditmanagementcompany.com Nov 15 2019 04:08:27
 Credit Management Company, 2121 Noblestown Road, P.O. Box 16346,
 Pittsburgh, PA 15242-0346
 14179120 E-mail/Text: G06041@att.com Nov 15 2019 04:08:27 Direct TV, P.O. Box 78626,
 Phoenix, AZ 85062-8626
 14257697 E-mail/Text: bankruptcy.bnc@ditech.com Nov 15 2019 04:06:52 Ditech Financial LLC,
 F/K/A Green Tree Servicing LLC, PO Box 6154, Rapid City, SD 57709-6154
 14179121 E-mail/Text: bankruptcy.bnc@ditech.com Nov 15 2019 04:06:52 Ditech Financial, LLC,
 Ditech Bankruptcy Department, P.O. Box 6154, Rapid City, SD 57709-6154
 14179129 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 15 2019 04:07:48 Midland Credit Management,
 8875 Aero Drive--Suite 200, San Diego, CA 92123-2255
 14179130 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 15 2019 04:07:48 Midland Funding,
 2365 Northside Drive--Suite 30, San Diego, CA 92108-2709
 14195060 E-mail/PDF: cbp@onemainfinancial.com Nov 15 2019 04:02:57 One Main Financial,
 P.O. Box 140489, Irving, TX 75014-0489
 14179136 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2019 04:19:16
 Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502
 14179135 +E-mail/PDF: resurgentbknofications@resurgent.com Nov 15 2019 04:03:45
 Pinnacle Credit Service, P.O. Box 640, Hopkins, MN 55343-0640
 14255202 +E-mail/PDF: resurgentbknofications@resurgent.com Nov 15 2019 04:03:45
 Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco,
 Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 14179137 +E-mail/Text: bankruptcy@rentacenter.com Nov 15 2019 04:08:57 Rent-a-Center,
 207 Wal Mart Drive, Uniontown, PA 15401-8423
 14179141 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Nov 15 2019 04:05:31
 Verizon, Attn: Bankruptcy, 500 Technology Drive, Weldon Spring, MO 63304-2225
 14179142 E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Nov 15 2019 04:05:31
 Verizon Wireless Bankruptcy Admin., P.O. Box 3397, Bloomington, IL 61702-3397
 14179143 E-mail/PDF: gecsed@recoverycorp.com Nov 15 2019 04:03:10 Walmart/Synchrony Bank,
 Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14179144 +E-mail/Text: bankruptcy@firstenergycorp.com Nov 15 2019 04:07:57 West Penn Power,
 Customer Service Center, P.O. Box 1392, Fairmont, WV 26555-1392

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 43

Date Rcvd: Nov 14, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14215282 +E-mail/Text: bankruptcy@firstenergycorp.com Nov 15 2019 04:07:57 West Penn Power,
5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Capital One Auto Finance
cr Ditech Financial LLC
14211283* ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
(address filed with court: Columbia Gas of PA, P.O. Box 117, Columbus, OH 43216)
14212442 ##+Porania LLC, P. O. Box 11405, Memphis TN 38111-0405
14179138 ##+Stephens & Michaels Associates, Inc., 7 Stiles Road, Salem, NH 03079-4848

TOTALS: 2, * 1, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2019 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor Naomi F. Jennings zmwchapter13@gmail.com,
gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor Timothy R. Jennings zmwchapter13@gmail.com,
gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
Joseph A. Dessoye on behalf of Creditor Ditech Financial LLC pawb@fedphe.com
Joshua I. Goldman on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
Laurence A. Mester on behalf of Creditor Capital One Auto Finance lmester@mesterschwartz.com,
jottinger@mesterschwartz.com;jschwartz@mesterschwartz.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8